REMARKS

These remarks are responsive to an Office Action of November 16, 2004. Claims 1-14 are pending. Applicant acknowledges the Examiner's indication that claim 9 is allowable.

In addition, Applicant acknowledges the Examiner's indication that claims 3-6 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. By this amendment, Applicant has rewritten claim 3 in independent form as suggested by the Examiner.

In summary, the Examiner has rejected claims 10-14 under 35 U.S.C. §112 as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Furthermore, the Examiner has rejected claims 1 and 2 under 35 U.S.C. §103(a) as being unpatentable over Woodson et al. (U.S. Patent No. 5,265,347) in view of Gerteis et al. (U.S. Patent No. 6,159,360), and rejected claims 7 and 8 under 35 U.S.C. §103(a) as being unpatentable over Woodson et al. in view of Gerteis et al. and in further view of Ackerman et al. (U.S. Patent No. 5,987,769). In response, Applicant respectfully traverses the above-mentioned rejections and requests reconsideration by the Examiner in view of the amendment above and the following remarks.

As previously mentioned, the Examiner has rejected claims 10-14 under 35 U.S.C. §112 as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Specifically, the Examiner has pointed out limitations such as "the slurry," "the inlet pipe," "the dryer section," "the rotor," and "the reservoir" lack sufficient antecedent basis. In response, claims 10, 11, and 14 have been amended to provide sufficient antecedent basis.

In addition, as previously mentioned the Examiner has rejected claims 1 and 2 under 35 U.S.C. §103(a) as being unpatentable over Woodson et al. in view of Gerteis et al., and has

rejected claims 7 and 8 under 35 U.S.C. §103(a) as being unpatentable over Woodson et al. in view of Gerteis et al. and in further view of Ackerman et al.

As is well established, the Examiner bears the initial burden in establishing a prima facie case of obviousness when rejecting claims under 35 U.S.C. §103. In re Piasecki, 745 F.2d 1468, 223 USPQ 758 (Fed. Cir. 1985); In re Reuter, 651 F.2d 751, 210 USPQ 249 (CCPA 1981). If the Examiner does not produce a prima facie case, the applicant is under no obligation to submit evidence of non-obviousness.

To properly establish a prima facie case of obviousness, MPEP § 706.02(j) identifies three basic criteria that must be met. First, the prior art reference (or references when combined) must teach or suggest all of the claim limitations. Prior art under 35 U.S.C. §103 is the same as prior art under 35 U.S.C. §102. MPEP § 2141.01. Second, there must be some suggestion or motivation in the references themselves or in the knowledge generally available to one of ordinary skill in the art to modify the reference or combine reference teachings. Finally, there must be a reasonable expectation of success. In re Vaeck, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

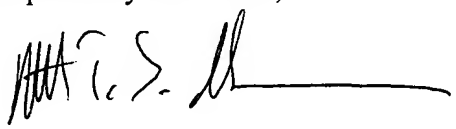
With regard to the obviousness rejection of claims 1, 2, 7 and 8, a prima facie case of obviousness has not been made because the combination of cited references does not show each element of the claimed invention. As an example, claim 1 as amended recites that the dryer section comprises a conduit for the introduction of forced dry air and that the reservoir section includes a moist air discharge port. This feature allows the air to travel in a direction generally opposite the direction of travel of a slurry through the dryer section, which increases the drying efficiency of the dryer. By contrast, Woodson et al. provides an air exhaust duct at the top of the dryer near the pellet outlet (see col. 5, lines 21-22, and Figures 1 and 2). In addition, Gerteis et al. introduces gas into the product filler pipe, which requires the gas to travel in the same

direction as the product (see col. 4, lines 61-65, and Figures 1 and 2). Therefore, all the elements of claim 1, and the claims depending therefrom, have not been shown in the cited art and a prima facie case of obviousness has not been made.

In view of the foregoing, it is submitted that this application is in condition for allowance. Favorable consideration and prompt allowance of the application are respectfully requested.

The Examiner is invited to telephone the undersigned if the Examiner believes it would be useful to advance prosecution.

Respectfully submitted,



Matthew J.S. Graham
Registration No. 54,647

Customer No. 22859
Fredrikson & Byron, P.A.
200 South Sixth Street
Suite 4000
Minneapolis, Minnesota 55402-1425
Telephone: (612) 492-7000
Facsimile: (612) 349-7077

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